IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10097 of 2004

Between:

1 Munugonda Venkatesh, S/o. Peda Buchanna, Naramvarigudem village, Aswaraopet Mandal, Khammam District.
2 Munugonda Satyanarayana, S/o. Sobhandari, Naramvarigudem village, Aswaraopet Mandal, Khammam District.
3 Munugonda Kasemma, W/o. Laxman Rao, Naramvarigudem village, Aswaraopet Mandal, Khammam District.
4 Munugonda Lakshman Rao, S/o. Ramulu, Naramvarigudem village, Aswaraopet Mandal, Khammam District.
5 Munugonda Mukkaiah, W/o. Ramulu, Naramvarigudem village, Aswaraopet Mandal, Khammam District.

PETITIONERS

AND

1 The District Collector , Khammam District.
2 The Mandal Revenue Officer, Aswaraopet Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, to declare the inaction of the Respondents without conducting the survey of the petitioners' lands since 2 years as illegal, arbitrary and against to the principles of natural justice.

For the Petitioners: MR. KILARU KHADER BABA, Advocate.

For the Respondent Nos.1&2: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for petitioners and the learned Government Pleader for Revenue and with their consent the writ petition itself is taken up for final disposal at the admission stage.

In this writ petition the petitioners seek to declare the action of respondents in not conducting survey in respect of their lands to an extent of Ac.9-01 guntas in survey No.241/1, Ac.8-09 guntas in survey No.241/11, Ac.8-17 guntas in survey No.241/7, and Ac.6-19 guntas in survey No.241/10 of Naramvarigudem Revenue village, Aswaraopet Mandal, Khammam District, as illegal and arbitrary.

The petitioners allege that the Government assigned the lands in question to them by issuing assignment patta certificates. They approached the second respondent for survey of the said lands and paid the requisite fee prescribed therefor on 27-4-2002, and though nearly two years elapsed, no survey was conducted. They also got issued a notice dated 6-4-2004 to the second respondent with a copy marked to the first respondent, even then no action has been taken in the matter. Assailing the action of the respondents, the present writ petition is filed.

Having regard to the facts and circumstances of the case and since the second respondent-Mandal revenue Officer has not taken any action in the matter in spite of the petitioners issuing notice,
I deem it appropriate to dispose of the writ petition with the following

direction:

The second respondent-Mandal Revenue Officer, Aswaropet Mandal, Khamam District shall take appropriate action on the notice dated 6-4-2004 got issued to him by the petitioners in relation to survey of the lands in question, expeditiously within a period of six weeks from the date of receipt of a copy of this order. The first respondent-District Collector, Khammam District shall also examine the matter and issue necessary instructions to the second respondent-Mandal Revenue Officer. It is made clear that non-compliance of this order will be viewed seriously. No costs.

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N.V. RAMANA, J

Date: 22-06-2004

SVV

To

1 The District Collector, Khammam District.

2 The Mandal Revenue Officer, Aswaraopet Mandal, Khammam District.

3. Two CCs. to the Govt. Pleader for Revenue, High Court of A.P., Hyderabad (O.U.T.)

4. Two CD copies.